

JUDGMENT OF THE COURT OF FIRST INSTANCE (Third Chamber)
28 March 1994

Case T-515/93

B

v

Commission of the European Communities

(Officials – Absence of pleas in law – Inadmissibility)

Full text in English II - 379

Application for: Annulment of the list of the officials considered most deserving of promotion to Grade A 4 in 1992 and payment of compensation.

Decision: Application dismissed.

Abstract of the Judgment

In support of the action brought against the failure to include him in the list of the officials considered most deserving of promotion to Grade A 4, the applicant stated in the section entitled 'Law' of his application that 'the Commission has already

admitted that, in the light of Article 45 of the Staff Regulations, the applicant's name should have been included in the list of those considered most deserving of promotion to the Grade A 4 in 1992 ahead of that of the other official who was included but was not promoted'.

Admissibility

As regards the objection of manifest inadmissibility of the action raised by the Commission, the Court of First Instance observes that, under the first paragraph of Article 19 of the Statute of the Court of Justice and Article 44(1)(c) of the Rules of Procedure of the Court of First Instance, an application initiating proceedings must state the subject-matter of the proceedings and a summary of the pleas in law on which the application is based. Irrespective of any question of terminology, that summary must be sufficiently clear and precise to enable the defendant to prepare its defence and the Court to exercise its power of review. Both legal certainty and the proper administration of justice require that the essential factual and legal elements upon which the action is based be substantially apparent with sufficient clarity from the application itself (paragraph 12).

In particular, although it may be sufficient for the pleas in law to be presented in terms of their substance rather than of their legal classification, they must, none the less, be sufficiently clear from the application. Furthermore, a mere abstract statement of the pleas in the application does not satisfy the abovementioned requirements since the application must specify the nature of the pleas in law which are relied upon (paragraph 13).

The Court finds that in this case the application does not satisfy those minimum requirements since it does not contain any statement, even in summary form, of the pleas in law or matters of law relied on from which the defendant could ascertain what are the grounds on which the applicant founds his action or to understand what basis there may be for the form of order sought by him (paragraphs 14 and 15).

See: 19/60, 21/60, 2/61 and 3/61 *Fives Lille Cail and Others v High Authority* [1961] ECR 281; C-347/88 *Commission v Greece* [1990] ECR I-4747, paragraph 28; C-52/90 *Commission v Denmark* [1992] ECR I-2187, paragraph 17 et seq.; T-85/92 *De Hoe v Commission* [1993] ECR II-523, paragraph 20

Accordingly, the Court dismisses the action as inadmissible and orders the applicant to pay the costs incurred by the Commission on the basis of the second subparagraph of Article 87(3) of the Rules of Procedure concerning costs which have been unreasonably or vexatiously caused.

Operative part:

- 1. The action is dismissed as inadmissible.**
- 2. The applicant shall pay the whole of the costs.**